

if, as of the date of the agreement, the member—

(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

(c) **LIMITATION.**—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

(d) **AMOUNT AND PAYMENT OF BONUS.**—(1) A bonus under this section may not exceed \$2,500.

(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

(e) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

(f) **REPAYMENT.**—A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall be subject to the repayment provisions of section 303a(e) of this title.

(g) **REGULATIONS.**—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

(h) **TERMINATION OF AUTHORITY.**—No agreement under this section may be entered into after December 31, 2006.

(Added and amended Pub. L. 109-163, div. A, title VI, §§641(a), 687(b)(35), Jan. 6, 2006, 119 Stat. 3304, 3333.)

#### AMENDMENTS

2006—Subsec. (f). Pub. L. 109-163, §687(b)(35), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

“(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).”

#### SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(b) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of Title 10, Armed Forces.

### § 328. Combat-related injury rehabilitation pay

(a) **SPECIAL PAY AUTHORIZED.**—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

(b) **COMMENCEMENT OF PAYMENT.**—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

(c) **TERMINATION OF PAYMENTS.**—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.

(2) The member receives notification of the eligibility of the member for a benefit under such traumatic injury protection rider and a period of 30 days expires after the date of such notification.

(3) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

(d) **AMOUNT OF SPECIAL PAY.**—The monthly amount of special pay paid to a member under this section shall be equal to \$430, less any payment received by the member for the same month under section 310(b) of this title.

(e) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.

(Added Pub. L. 109-163, div. A, title VI, §642(a), Jan. 6, 2006, 119 Stat. 3305.)

#### EFFECTIVE DATE

Pub. L. 109-163, div. A, title VI, §642(d), Jan. 6, 2006, 119 Stat. 3306, provided that: “The Secretary of a military department may provide special pay under section 328 of title 37, United States Code, as added by sub-

section (a), for months beginning on or after the date of the enactment of this Act [Jan. 6, 2006]. A member of the Armed Forces who incurred a wound, injury, or illness under the circumstances described in subsection (a) of such section before the date of the enactment of this Act may receive such pay for such wound, injury, or illness for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.”

## CHAPTER 7—ALLOWANCES

- Sec.  
401. Definitions.  
402. Basic allowance for subsistence.  
402a. Supplemental subsistence allowance for low-income members with dependents.  
403. Basic allowance for housing.  
[403a. Repealed.]  
403b. Cost-of-living allowance in the continental United States.  
404. Travel and transportation allowances: general.  
404a. Travel and transportation allowances: temporary lodging expenses.  
404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.  
405. Travel and transportation allowances: per diem while on duty outside the continental United States.  
405a. Travel and transportation allowances: departure allowances.  
406. Travel and transportation allowances: dependents; baggage and household effects.  
406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.  
406b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.  
406c. Travel and transportation allowances: members assigned to a vessel under construction.  
407. Travel and transportation allowances: dislocation allowances.<sup>1</sup>  
408. Travel and transportation allowances: travel within limits of duty station.  
409. Travel and transportation allowances: house trailers and mobile homes.  
410. Travel and transportation allowances: miscellaneous categories.  
411. Travel and transportation allowances: administrative provisions.  
411a. Travel and transportation allowances: travel performed in connection with convalescent leave.  
411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.  
411c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.  
411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.  
411e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.  
411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.  
411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.

- 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.  
411i. Travel and transportation allowances: parking expenses.  
411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.  
412. Appropriations for travel: may not be used for attendance at certain meetings.  
413. Chairman and Vice Chairman of the Joint Chiefs of Staff.  
414. Personal money allowance.  
415. Uniform allowance: officers; initial allowance.  
416. Uniform allowance: officers; additional allowances.  
417. Uniform allowance: officers; general provisions.  
418. Clothing allowance: enlisted members.  
419. Civilian clothing allowance.  
420. Allowances while participating in international sports.  
421. Allowances: no increase while dependent is entitled to basic pay.  
422. Cadets and midshipmen.  
423. Validity of allowance payments based on purported marriages.  
424. Band leaders.  
425. United States Navy Band; United States Marine Band: allowances while on concert tour.<sup>1</sup>  
[426. Repealed.]  
427. Family separation allowance.  
428. Allowance for recruiting expenses.  
429. Travel and transportation allowances: minor dependent schooling.  
430. Travel and transportation: dependent children of members stationed overseas.  
431. Benefits for certain members assigned to the Defense Intelligence Agency.  
432. Travel and transportation: members escorting certain dependents.  
433. Allowance for muster duty.  
434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.  
435. Funeral honors duty: allowance.  
436. High-deployment allowance: lengthy or numerous deployments; frequent mobilizations.  
437. Allowance to cover portion of monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.

## AMENDMENTS

2006—Pub. L. 109-163, div. A, title VI, §§613(b), 651(b)(2), 653(b) Jan. 6, 2006, 119 Stat. 3292, 3311, 3313, added items 411j and 437 and substituted “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member” for “Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave” in item 404b.

2005—Pub. L. 109-13, div. A, title I, §1026(b)(2), May 11, 2005, 119 Stat. 254, substituted “illness or injury of members” for “the serious illness or injury of members” in item 411h.

2004—Pub. L. 108-375, div. A, title VI, §605(b)(3), Oct. 28, 2004, 118 Stat. 1945, substituted “continental United States” for “United States or in Hawaii or Alaska” in item 405.

2003—Pub. L. 108-136, div. A, title V, §541(b)(5)(B), title VI, §635(b), Nov. 24, 2003, 117 Stat. 1477, 1511, added item 404b and substituted “High-deployment allowance: lengthy or numerous deployments; frequent mobiliza-

<sup>1</sup> So in original. Does not conform to section catchline.